

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

DONNA CURLING, *et al.*,
Plaintiffs,

v.

BRAD RAFFENSPERGER, *et al.*,
Defendants.

Civil Action No. 1:17-CV-2989-AT

MOTION TO ALLOW DISPOSITION OF VOTING EQUIPMENT

During the course of this litigation, this Court has entered a variety of orders related to preservation of the State’s prior voting system, which consisted of Diebold AccuVote Direct Recording Electronic (DRE) touchscreen voting machines and associated components, including GEMS servers, memory cards, AccuVote optical scanners, and Express Poll electronic pollbooks (collectively, the “DRE System”). *See* [Docs. 122, 123, 668, 745]. Some of those components are currently being stored by the State and others are stored by Cobb, Fulton, and DeKalb Counties. *See* [Docs. 210, p. 3; 668; 735-1, ¶ 12].

At summary judgment, this Court dismissed claims related to the DRE System. [Doc. 1705, pp. 109–10]. Further, at trial, Plaintiffs acknowledged that they were no longer pursuing claims regarding the DRE System aside from any connection to the prior voter-registration system. Tr. Vol. VII 226:20–227:1.

Now that the trial in this matter is complete, allowing Defendants and the counties still maintaining equipment to dispose of that equipment will free up space and resources for use in running the 2024 elections. Because the maintenance of DREs and their associated equipment is no longer necessary, Defendants request that the Court order the following related to the disposition of equipment from the prior voting system:

1. Dissolve all prior orders related to the preservation of components of the DRE System, including but not limited to [Docs. 122, 123, 668, and 745].
2. Permit officials in Cobb, DeKalb, and Fulton Counties to return any components of the DRE System that were sequestered by prior orders of this Court and/or that are being stored because of this litigation to State Defendants for disposition.
3. Permit State Defendants to dispose of all components of the DRE System, including all DRE touchscreen units, GEMS servers, memory cards, AccuVote optical scanners, and Express Poll electronic pollbooks in any manner they determine is appropriate.

Counsel for Defendants contacted Plaintiffs' counsel by email providing a proposed stipulated order on this issue on March 27, 2024, and again on April 1, 2024. Counsel for Plaintiff Ricardo Davis responded that Plaintiff Davis has no objection and consented to the proposed order. Counsel for Curling and

Coalition Plaintiffs have not responded, so Defendants are unaware of their position on this motion.

Respectfully submitted this 5th day of April, 2024.

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Counsel for State Defendants

CERTIFICATE OF COMPLIANCE

Pursuant to LR 7.1(D), I hereby certify that the foregoing document has been prepared in accordance with the font type and margin requirements of LR 5.1, using font type of Century Schoolbook and a point size of 13.

/s/ Bryan P. Tyson
Bryan P. Tyson